



SUTTER COUNTY

DEVELOPMENT SERVICES DEPARTMENT

Building Inspection
Environmental Health/CUPA

Code Enforcement
Engineering/Water Resources

Planning

Admin & Finance
Road Maintenance

March 19, 2024

Michael Fris, Field Supervisor
U.S. Fish & Wildlife Service
Sacramento Fish & Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, CA 95825

Morgan Kilgour, Regional Manager
California Department of Fish & Wildlife
North Central Region
1701 Nimbus Road
Rancho Cordova, CA 95670

Mr. John Roberts, Executive Director
The Natomas Basin Conservancy
2150 River Plaza Dr., Suite 460
Sacramento, CA 95833

Subject: **2023 Annual Report of Urban Development for Sutter County**

Dear Michael Fris, Morgan Kilgour, and John Roberts,

On May 13, 2003, Sutter County adopted the Natomas Basin Habitat Conservation Plan (HCP) – a cooperative federal, state, and local program for the conservation of plant and animal species and their habitats in the Natomas Basin. On June 27, 2003, Sutter County and United States Fish and Wildlife Services (USFWS) signed the amended Implementation Agreement for the HCP. The Implementation Agreement provides for development within Sutter County of 7,467 acres of land, avoidance measures and mitigation for loss of habitat, and incidental take coverage for listed species.

Attached are the map and tables that depict Sutter County's monitoring of urban development associated with the Natomas Basin Habitat Conservation Plan. These maps and charts constitute the Annual Report of Urban Development required of the County by the HCP Implementation Agreement, Section 3.1.15, and described in Chapter VI of the NBHCP.

The table below summarizes the current inventory of lands graded pursuant to the HCP and acres remaining ungraded within the County's authorized take area.

ESTIMATE OF ACRES COVERED BY HCP
Through December 31, 2023

Area	Grading Permits Issued from HCP Inception to 12/31/23 (Attachments A and B)	Undeveloped / Potential Future Grading
Total Natomas Basin in Sutter County	518.14 acres	6,948.86 acres

Attachment A – Schedule of Subject Acreage and Fees Paid – details the payment of HCP fees from the inception of the HCP to December 31, 2023, in semi-annual increments. The total number of acres for which fees have been paid in the County's portion of the Natomas Basin is **518.14 acres**. The total HCP fees paid by developers (excluding valuation of land dedications) within the County's Permit Area since inception is \$12,463,864.77.

Year	Acres Graded	Fees Paid
1996 - 2000	-	-
2001	50.00	\$197,050.00
2002 - 2011	-	-
2012	58.24	\$1,258,624.64
2013	0.05	\$1,258.53
2014 - 2021	-	-
2022	409.85	\$11,006,931.60
2023	-	-
Since Inception	518.14	\$12,463,864.77

Grading activity authorized in the County's HCP Permit Area is shown in the table above. This includes acreage for which an Urban Development Permit (i.e., a grading permit) has been issued for private or public development in the County portion of the Natomas Basin, since inception of the HCP. As of December 31, 2023, the total number of acres for which an Urban Development Permit has been issued is **518.14 acres**.

It should be noted that the Natomas Basin Conservancy (the Plan Operator for Sutter County) also collects fees from habitat disturbance in the Metro Air Park area, City of Sacramento, and infrastructure projects (e.g., pipelines and powerlines) outside of the HCP covered areas. The fees reported above in this Annual Report represent only those fees generated within the County's Incidental Take Permit area.

Attachment B – Grading Activity Authorized by Urban Development Permit – shows the annual total acres graded from the inception of the HCP.

Attachment C – is a map depicting property in the Sutter County portion of the Natomas Basin that paid HCP fees in preparation for urban development and those properties that have been issued an Urban Development Permit (i.e., grading permit). The areas shown in green demonstrate the areas where HCP fees have been paid and the areas outlined in red would typically demonstrate the boundary of the areas that fees were paid in 2023.

Attachment D – provides a memorialization of the terms of the Natomas Basin Implementation Agreement with respect to mitigation measures requiring a pre-construction survey.

If you should have any questions regarding this annual report, please contact Arwen Wacht, Principal Planner at 530-822-7400 ext. 242 (email: awacht@co.sutter.ca.us) who serves as our designated liaison for any communications concerning the HCP and Implementation Agreement.

Sincerely,



Neal Hay
Director of Development Services

cc: Steve Smith, County Administrative Officer, Sutter County
Arwen Wacht, Principal Planner, Sutter County

Adam Stewart, Senior Fish and Wildlife Biologist, USFWS
Ian Perkins-Taylor, Senior Biologist, USFWS

Dylan Wood, Environmental Scientist, CDFW

Tom Pace, Director of Community Development, City of Sacramento
Cheryle Hodge, New Growth Manager, City of Sacramento

**2023 Annual Report of Urban Development
Sutter County
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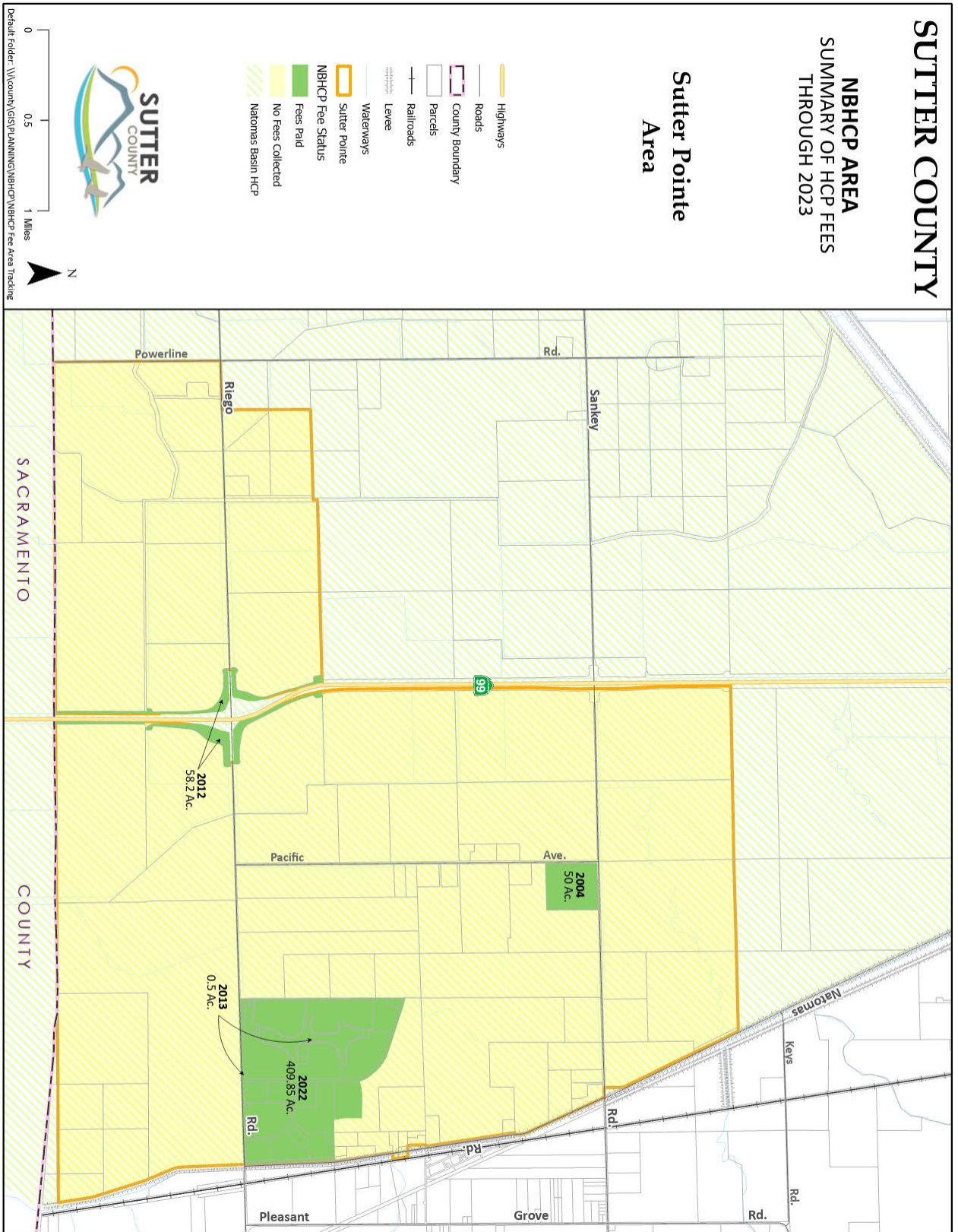
Attachment A
Sutter County – Natomas Basin
Schedule of Subject Acreage and Fees Paid
As of December 31, 2023

<u>Owner</u>	<u>Project</u>	<u>HCP Fee</u>	<u>Payment</u>	<u>Gross Area</u>
1996 - 2000				
N/A	N/A	\$ -	N/A	0.00
Subtotal from 1996 to 2000		\$ -		0.00
2001				
	Sysco Distribution Center	\$ 197,050.00	2004	50.00
Subtotal calendar year 2001		\$ 197,050.00		50.00
Cumulative total through December 31, 2001		\$ 197,050.00		50.00
2002 - 2011				
N/A	N/A	\$ -	N/A	0.00
Subtotal calendar years 2002-2011		\$ -		0.00
Cumulative total through December 31, 2011		\$ 197,050.00		50.00
2012				
Caltrans	SR99/Riego Interchange Project	\$ 1,258,624.64	2012	58.24
Subtotal calendar year 2012		\$ 1,258,624.64		58.24
Cumulative total through December 31, 2012		\$ 1,455,674.64		108.24
2013				
	Carpenter Borrow Site	\$ 1,258.53	2013	0.05
Subtotal calendar year 2013		\$ 1,258.53		0.05
Cumulative total through December 31, 2013		\$ 1,456,933.17		108.29
2014 - 2021				
N/A	N/A	\$ -	N/A	0.00
Subtotal calendar years 2014-2021		\$ -		0.00
Cumulative total through December 31, 2021		\$ 1,456,933.17		108.29
2022				
	Lakeside at Sutter Pointe - Phase 1	\$ 11,006,931.60	2022	409.85
Subtotal calendar year 2022		\$ 11,006,931.60		409.85
Cumulative total through December 31, 2022		\$ 12,463,864.77		518.14
2023				
		\$ -	2023	0.00
Subtotal calendar year 2023		\$ -		0.00
Cumulative total through December 31, 2023		\$ 12,463,864.77		518.14

Footnote: Beginning in 2018, the County began retaining the 2% administrative fee; thus this schedule shows net proceeds only.

Attachment B
Sutter County – Natomas Basin
Grading Activity Authorized by Urban Development Permit in the County's Natomas Basin
HCP Permit Area
As of December 31, 2023

Year	Total Acres	Notes
Sutter County's Incidental Take Permit	7,467.00	Total Developable Acreage Allowed for Sutter County in the Natomas Basin HCP
1996 - 2000	-	No Development
2001	50.00	Sysco Distribution Center
2002 - 2011	-	No Development
2012	58.24	SR99 / Riego Interchange Project
2013	0.05	Carpenter Borrow Site
2014 - 2021	-	No Development
2022	409.85	Lakeside at Sutter Pointe – Phase 1
2023	-	No Development
Subtotal	518.14	
Developable Acres Remaining	6,948.86	Total Developable Acreage Remaining for Sutter County in the Natomas Basin HCP





Pre-Construction Protocols Natomas Basin Habitat Conservation Plan

Included below is a list related to preparing a complete pre-construction survey for proposed development projects in the Natomas Basin area subject to the 2003 Natomas Basin Habitat Conservation Plan (NBHCP).

Submittal of a pre-construction survey is one of several required steps towards obtaining a Development Permit that allows grading within the Natomas Basin subject to the NBHCP. For questions about the development permitting process – including pre-construction surveys – within Sutter County, please contact:

- Arwen Wacht at (530) 822-7400, awacht@co.sutter.ca.us

All pre-construction surveys shall be submitted to the Sutter County, Development Services Department.

Sutter County is the point of contact for all NBHCP matters within Sutter County and will provide the completed pre-construction survey to each of the following:

- U.S. Fish and Wildlife Service (Attn: Ian Perkins-Taylor and Adam Stewart)
- California Department of Fish and Wildlife (Attn: Dylan Wood)
- City of Sacramento (Attn: Cheryle Hodge)
- The Natomas Basin Conservancy (Attn: John Roberts)

The pre-construction survey will general include:

- I. Project Description;
- II. Results of the Biological Survey; and
- III. Conservation Measures.

A pre-construction survey is needed a minimum of 30 days and a maximum of 6 months prior to grading or otherwise disturbing the site. The requirement to provide a pre-construction survey applies to both public and private development projects.

If this survey is the first pre-construction survey the biologist has prepared for the NBHCP, a resume of qualifications should be submitted to USFWS and CDFW with the completed pre-construction survey.

For NBHCP, conservation measures are to be implemented as conditions of development permits, as well as for projects sponsored by the respective land use agency (NBHCP §V-1).

The purpose of the pre-construction survey is to determine the status, presence of, and likely impacts to covered species. Wildlife Agency-approved biologists shall conduct the surveys and must implement the conservation measures outlined in the NBHCP, unless otherwise approved by the Wildlife Agencies. Because of concerns regarding Swainson's hawk, conducting the pre-construction survey at least 30 days prior to construction activities is especially important for construction projects that are initiated near riparian and tree groves and when work will commence in spring or early summer.

Surveys and recommended conservation measures are provided to the permitting agency Sutter County, City of Sacramento, CDFW, and the USFWS. Based upon the results of the pre-construction survey, the land-use agencies identify appropriate conservation measures. Reconnaissance level surveys may indicate that species-specific surveys are not necessary. It is the permittee's (i.e., Sutter County and the City of Sacramento) responsibility to ensure that appropriate surveys have been conducted and that appropriate conservation measures are being implemented.

Note: Plant surveys must be appropriately timed so that the plants will be identifiable if present.

The pre-construction survey must include:

1. The name of the project.
2. The exact location and size (acres) of the project within the County/City's permit area. Include a map. Something on the scale of maps in the Implementation Agreement should be sufficient.
3. The dates and types of survey(s) conducted.
4. A description of the site. Describe current land uses, habitats on site, habitats adjacent to the site such as canals, waterways, trees, riparian areas, and shrub-scrub. Is it grasslands, wetlands (includes both jurisdictional and non-jurisdictional), row crops, pasture, rice, etc.? Are there seasonal wetlands or vernal pools? What are the adjacent land uses? Past land uses should also be described to the extent possible since those uses may have some bearing on the species that could occur on site. Any species observed on site should be described and noted.
5. Recorded special status species occurrences including: a description of known occurrences on the site and on adjacent sites, known California Natural Diversity Databases (CNDDDB) records on site and on adjacent sites, occurrences from previous biological monitoring results (contact the Natomas Basin Conservancy for this information), records published in the NBHCP. Be sure to note the nearest localities of Swainson's hawk nest trees, giant garter snake records, even if not on the project site.
6. A statement as to whether or not there are any vernal pools, swales, or other seasonal wetlands capable of supporting vernal pool associated species (i.e., Vernal Pool Fairy Shrimp, Vernal Pool Tadpole Shrimp, Colusa grass, Sacramento Orcutt grass, slender Orcutt grass, Midvalley Fairy Shrimp,

Legenere, Bogg's Lake Hedge-Hyssop, western spadefoot toad, and California tiger salamander) within 250 feet of project activities. If so, additional surveys and/or mitigation may be necessary. See sections V.A.4, V.A.5.k-m, and V.A.5.p for further info.

7. A statement as to whether or not the proposed project is within 200 feet of any potential giant garter snake aquatic habitat (i.e., contains water between May 1 and October 1 – does not have to be wet the entire time). This also includes canals and ditches operated by RD 1000 and Natomas Central Mutual Water Company. If so, see NBHCP § V.A.5.a.
8. A statement as to whether or not there are any Swainson's hawk nests within ¼ mile and/or within ½ mile of the project site. If either, see NBHCP § V.A.5.b. If any trees are on site or in the vicinity, the surveys must be timed to detect Swainson's hawk nesting.
9. A statement as to whether or not there are any elderberry shrubs with stems measuring greater than one inch in diameter at ground level within 1000 feet of proposed project activities. If so, see NBHCP § V.A.5.c. The applicant may need to mitigate separately with the Service.
10. A statement as to whether or not there are any tricolor nests within 500 feet of the proposed project. If so, see NBHCP § V.A.5.d.
11. A statement as to whether or not there are any Aleutian Canada geese on-site. If so, see NBHCP § V.A.5.e.
12. A statement as to whether or not there are any white-faced ibis nest sites within ¼ mile of proposed project activities. If so, see NBHCP § V.A.5.f.
13. A statement as to whether or not any loggerhead shrike nests are within 100 feet of proposed project activities. If so, see NBHCP § V.A.5.g.
14. A statement as to whether or not any burrowing owl burrows are within 300 feet of proposed project activities. Relocation of affected owls may be necessary. If so, see NBHCP § V.A.5. h.
15. A statement as to whether or not there are any bank swallow nest sites within 250 feet of proposed project activities. If so, see NBHCP § V.A.5.i.
16. A statement as to whether or not there is any Sandford's arrowhead or delta tule pea habitat on-site. If so, see NBHCP § V.A.5.o.
17. Conclusions of surveys and research: report those special status species that do occur or could potentially occur on site, as well as those species that could be affected by project activities. For example, birds nesting in proximity (see species-specific information for a definition of proximity) to the site. The report should include a description of activities that may affect covered species. These conclusions should be based upon your responses to items 4-16 above.
18. Recommendations: the consulting biologist should recommend those avoidance and minimization measures appropriate to the habitats on or adjacent to the site, the species that may occur on site, and the types of

activities that could affect special status species (dewatering canals prior to filling; installing one-way doors on owl burrows; following time restrictions near active nests; etc.). These conclusions should be based upon your responses to items 4-17 above.

19. A statement of how many acres of mitigation will be provided.

Notes: When addressing nesting bird species, consulting biologists must actually survey for the birds. For example, item 10 asks if there are any tricolor blackbird nests within 500 feet of the project site. In addition to consulting CNDDDB and other data sources, the biologist should actually look for tricolor blackbirds within 500 feet of the project site. Do not just rely on known localities.

All observations of covered species should be reported to CNDDDB by the consulting biologist.

As stated above and in the NBHCP, it is up to the permitting agency (Sutter County) to ensure that the appropriate surveys are being conducted and therefore, that the appropriate minimization measures will be implemented. The person issuing the urban development permit needs to read the report, ensure that all the necessary information has been included in the reports, and ensure that the mitigation and minimization actions are consistent with observations on the property.

All planning staff should rely upon the April 2003 Final Natomas Basin Habitat Conservation Plan and the June 2003 errata to the HCP to assist them in reviewing pre-construction surveys.